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Public Information Office
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San Francisco, CA 94102-3688
www.courtinfo.ca.gov

415-865-7740

Lynn Holton
Public Information Officer

NEWS RELEASE

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Supreme Court Requires Counsel to Submit CD Documents in Death Penalty-Related Habeas Corpus Matters

San Francisco—At its administrative conference earlier this week the California Supreme Court adopted an administrative order clarifying that counsel in capital-related habeas corpus matters must file two (instead of the previously required ten) copies of the documents that support a petition for a writ of habeas corpus, and requiring counsel also to file an electronic copy (on a CD) of such supporting documents.

Effective January 1, 2005, California Rules of Court, rule 44(b)(1)(C), provides that, in the Supreme Court, “the following number of copies must be filed of every . . . document, except the record. . . . : . . . (C) [U]nless the court orders otherwise, an original and 2 copies of any supporting document accompanying a petition for a writ of habeas corpus, or an opposition to or other response to the petition, or a reply.”

The San Francisco-based California Appellate Project (CAP), which assists private counsel appointed by the Supreme Court to represent petitioners in these matters, presently cooperates with appointed counsel to make electronic copies of supporting documents. CAP will continue to assist appointed counsel as needed to create the required CDs.

The text of the order, which applies to all future filings in capital-related habeas corpus cases, is as follows:

“Pursuant to California Rules of Court, rule 44(b)(1)(C), with regard to supporting documents accompanying a capital-related habeas corpus petition, opposition, or other response to the petition, or a reply, counsel are required to file an original and two copies of such supporting documents, plus one electronic (CD) version of the supporting documents. This policy is effective as of May 20, 2005.”

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